45

Pt. IV

1948-49 **File No.** 26 48 / 36

B CLASS **DEPARTMENT**

F. BRANCH

Subject:— Pay

Temporary & work charged establishment

on appointment to Permanent establishment

Fixation of-

B [K] - 1949

V

Pt. IV

File No. 26 HF / 36 — F BV

Ptd. Scott. Stg. 24 A.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 26 H8 / 36 - IV

P.W **DEPT.**

F **BRANCH.**

References :—

Date.	To whom sent.	Notes and instructions.

Bombay, 25th June 1948;

To

The Executive Engineer,

Presidency Division, P.W.D.,

Bombay.

Sir,

I humbly and respectfully beg to submit the following few lines for your favourable consideration and further action.

I am a permanent matriculate clerk in the Correspondence Branch of 8 years' service(including temporary service). My -- temporary service lasted from 8-1-1940 to 31-3-1947 during which I drew pay as follows :-

Period.	Rate of pay. Rs.	Scale.
8-1-1940 to 28-2-1942 . .	30/-	Rs.25-5/2-65.
1-3-1942 to 22-7-1945 . .	35/-	-do-
23-7-1945 to 31-12-1946. .	*50/-	-do-
1-1-1947 to 31-3-1947 . .	67/-	Rs.46-3-85-4-105

*As per G.R.P.W.D.No.6717/36, dated 17-7-1944.

Under the Superintending Engineer, Bombay Circle's order No.G.65/2854, dated 30-3-1948, I have been brought on the parmanent establishment and confirmed as a clerk (scale Rs.46-3-85-4-105) with effect from 1-4-1947, on which date may pay as a temporary clerk was Rs. 67/- as stated above. But in accordance with the orders issued in Government Circular Memorandum, P.W.D., No. 2648/36, dated 25-9-1947 and Government letter, P.W.D.,No.2648/36-E(ii), dated 3-10-1947, my confirmation has been made an occasion for reducing my pay by 16% with the result that my substantive pay is only Rs.55/- p.m.,viz.the minimum of the scale. This means that I have been deprived of the benefit of complete eight years' service for the purpose of increments, merely because I have been brought on the permanent -- establishment, and that the benefit of proviso II(2) (i) to B.C.S.R. 41 which is automatically applicable to all Government servants in every other Department of Government has been denied to me.

In this connection, I beg to point out that so far as I know, the P. W. D. is the only Department of Government in which a clerk has to suffer for being confirmed, -- an event which normally he has a right to look forward to, as a matter of course. In any other -- Department, only the normal rules in the B.C.S.R. are allowed full

operative scope when a Government servant is given a permanent post. As far as I have been able to gather, it is 16% cut is kept operative in order to level down the higher pay granted to persons on their first appointment.(Incidentally, I may point out that I was given higher pay only on 23-7-1945). If this is correct, I regret I cannot help feeling that the grant of higher starting pay for a very short period has been treated as justification for depriving me permanently of the benefit of Service Rules which is statutorily available to all clerks in all other Departments. In fact the actual financial loss I shall have to bear as a result of this cut will be very much larger than the extra money I have collected on account of the — higher pay from 23-7-1945 to 31-3-1947. I may also be permitted to stress that the public service that I and my colleggues have - - rendered in this Department is at least as meritorious and important as that rendered by clerks in any other Department, and there is no reason why the accident of my being in this Department should be made an axe to cut my pay down.

Incidentally, I may also point out that if I had not been given the higher pay (Rs.50/- p.m.), I would have been entitled to pay at Rs.61/- p.m. (without 16% cut) from 1-3-1947 and Rs. 64/-p.m. from 1-1-1948 against Rs. 55/- p.m. from 1-4-1947 and Rs. 58/- p.m. from 1-4-1948 that I now get.

Date.	Pay. Rs.	Scale.
8-1-1940 . . .	30/-	Rs.25-5/2-65
1-3-1942 . . .	35/-	-do-
1-3-1944 . . .	40/-	-do-
1-3-1946 . . .	45/-	-do-
1-1-1947 . . .	45/-	-do-
Revised pay on 1-1-1947 . . .	61/-	Rs.46-3-85-4-105
1-1-1948 . . .	64/-	-do-

It is, therefore, my humble request that my pay on - - confirmation may not be reduced, and that the same may be regulated in accordance with the B.C.S.Rs. without being brought wiithin the mischief of the Exception below B.C.S.R.41. This will mean a great boon and Godsend to me and will afford me considerable — relief from the hand-to-mouth existence that I am eking out at present.

I beg to remain,
Sir,
Your most obedient servant,
Sd/- Clerk,C.B.(R.S.Kadam).

Bombay, 25th June 1948.

To

The Executive Engineer,...

Presidency Division, P.W.D.,

B. O M B A Y .

Sir,

I humbly and respectfully beg to submit the following few lines for your favourable consideration and further action.

I am a permanent matriculate clerk in the Accounts Branch of 6 years' service (including temporary service). My temporary servi lasted from 13-6-1942 to 31-3-1947 during which I drew pay as follows:-

Period	Rate of Pay.	Scale.
13-6-1942 to 3-10-1944	Rs. 30/-	Rs. 25-5/2-65
4-10-1944 to 31-12-1946	Rs. 50/- *	Rs. -do-
1-1-1947 to 34-3-1947	Rs. 64/-	Rs. 46-3-85-4-105

* As per G.R.P.W.D. No. 6717/36, dated 17-7-1944.

Under the Superintending Engineer, Bombay Circle's order No.G.65/2854, dated 30-3-1948, I have been brought on the permanent establishment and confirmed as a clerk (scale Rs.46-3-85-4-105) with effect from 1-4-1947, on which date my pay as a temporary clerk was Rs. 64/- as stated above. But in accordance with the orders issued in Government Circular Memorandum, P.W.D., No.2648/36, dated 25-9-1941 and Government Letter, P.W.D., No. 2648/36-E(ii), dated 3-10-1947, my confirmation has been made an occasion for reducing my pay by 16% with the result that my substantive pay is only Rs. 55/- p.m. viz. the mini of the scale. This means that I have been deprived of the benefit of nearly five years service for the purpose of increments, merely becaus I have been brought on the permanent establishment, and that the benef of proviso II (2) (i) to B.C.S.R.41 which is automatically applicable to all Government servants in every other Department of Government has been denied to me.

In this connection, I beg to point out that so far as I know the P.W.D., is the only Department of Government in which a clerk has to suffer for being confirmed, - an event which normally he has a righ to look forward to, as a matter of course. In an other Department, the normal rules in the B.C.S.Rs. are allowed full operative scope wh a Government servant is given a permanent post. As far as I have bee able to gather, this 16% cut is kept operative in order to level down

the higher pay granted to persons on their first appointment(Incidentally, I may point out that I was given higher pay only on 4-10-1944). If this is correct, I regret I cannot help feeling that the grant of higher starting pay for a very short period has been treated as justification for depriving me permanently of the benefit of Service Rules which is statutorily available to all clerks in all other Departments. In fact the ~~intolerable~~ actual financial loss I shall have to bear as a result of this cut will be very much larger than the extra money I have collected on account of the higher pay from 4-10-1944 to 31-3-1947. I may also be permitted to stress that the public service that I and my colleagues have rendered in this Department is at least as meritorious and important as that rendered by clerks in any other Department, and there is no reason why the accident of my being in this Department should be made an axe to cut my pay down.

Incidentally, I may also point out that if I had not been given the higher pay (Rs.50/-P.M.), I would have been entitled to a pay of Rs. 58/- p.m. (without 16⅔ cut) from 1-4-1947 to 12-6-1947 and at Rs. 61/- p.m. thereafter as shown below :

Date	Pay	Scale
13-6-1942	Rs. 30/-	Rs. 25-5/2-65
13-6-1944	Rs. 35/-	-do-
13-6-1946	Rs. 40/-	-do-
Revised pay on		
1-1-1947	Rs. 58/-	Rs. 46-3-85-4-105
Increment on		
13-6-1947	Rs. 61/-	-do-

It is, therefore, my humble request that my pay on confirmation may not be reduced, and that the same may be regulated in accordance with the B.C.S.Rs. without being brought within the mischief of the Exception below B.C.S.R.41. This will mean a great boon and Godsend to me and will afford me considerable relief from the hand-to-mouth existence that I am eking out at present .

I beg to remain,
Sir,
Your most obedient servant,

Sd/-
P.B.Mehta)
Clerk A. B.

Bombay
25-6-1948

To

The Executive Engineer,

Presidency Division,

P. W. D. Bombay.

Respected Sir,

I beg to submit the following few lines for your sympathetic consideration and further action.

I am a Permanent Matriculate clerk in the Accounts Branch of four years and nine months' service(including temporary service). My temporary service lasted from 24-9-1943 to 31-3-1947, during which I drew pay as follows:-

Period	Rate of pay	Scale
From 24-9-43 to 3-10-44	* Rs. 45/- xxx	Rs. 25-5/2-65
From 4-10-44 to 3-10-46	* Rs. 45/-	— do —
From 4-10-46 to 31-12-46	* Rs. 50/-	— do —
From 1-1-1947 to 31-3-1947	Rs. 64/-	Rs. 46-3-85-4-105

Higher pay granted as per G.R.P.W.D.No.6717/36 dated 17-7-1944.

Under the S.E.N.C's order No. C-65/2954 dated 30-3-1948, I have been brought on the Permanent Establishment and confirmed as a clerk(scale 46-3-85-4-105), with effect from 1-4-1947, on which date pay as a temporary clerk was Rs. 64/- as stated above. But in accordance with the orders issued in Govt. Circular Memorandum P.W.D.No. 2648/36 dated 25-9-1947, and Govt. Letter P.W.D. No. 2648/36-E (ii) dated 3-10-1947, my confirmation has been made an occasion for reducing my pay by 46%, with the result that my substantive pay is only Rs. 55/- p.m. viz. the minimum of the scale. This means that I have been deprived of the benefits of nearly four and a half years' service for the purpose of increments, merely because I have been brought on the Permanent Establishment; and the benefit of the proviso II (2) (I) to B.C.S.R.41, which is automatically applicable to all Government servants in any other Department of Govt., has been denied to me.

In this connection I beg to point out that so far as I know the P.W.D. is the only Department of Govt. in which a clerk has to suffer for an event which normally he has a right to look forward to as a matter of course, In any other Department only the normal Rules in the B.C.S.Rs' are allowed full

operative scope when a Govt. servant is given a permanent post. As far as I have been able to gather this 16% cut is kept operative in order to level down the higher pay granted to persons on their first appointment. If this is correct, I regret I cannot help feeling that the grant of higher salary for a very short period has been treated as justification for depriving permanently of Service Rules which is statutorily available to all clerks in all other Departments, In fact, the actual financial loss I shall have to bear as a result of this cut will be very much higher than the extra money I have collected on account of the higher pay. I may also be permitted to stress that the Public Service that I and my colleagues have rendered in the P.W.D. is at least as meritorious and important as that rendered by clerks in any other Department and there is no reason why the accident of my being in this Department should be made an axe to cut my pay down.

Incidently, I may also point out that if I had not been given the higher pay (Rs.45/- and Rs-50/-), I would hav entitled to pay at Rs.55/- p.m. (without 16% cut) from 1-1-47 and Rs.1-1-47 and Rs.58/- from 24-9-1947, against Rs-55/- from 1-4-1947 and Rs- 58/- from 1-4-1948, that I now get:

Date	Pay	Scale
24-9-1943	Rs. 30/-	Rs. 25-5/2-65
24-9-1945	Rs. 35/-	— do —
Revised pay on		
1-1-1947	Rs. 55/-	Rs. 46-3-85-4-105
24-9-1947	Rs. 58/-	— do—

It is, therefore, my humble request that my pay on confirmation may not be reduced, and that the same may be regulated in accordance with B.C.S.Rs; without being brought within the mischief of the Exception below B.C.S.R.41. This will mean a great boon and Godsend to me and will afford some relief from the hand-to-mouth existance that I am eking out at present.

I beg to remain,

Sir,

Your most obedient servant.

Sd/- 25/6

(G.S.Salokhe)

Below applications dated 25th June 1948, from Messrs. R. S. Kudaw, P. B. Mehta and B. S. Gaikwad, clerks recently made permanent in this Division.

- - - - - - - - -

No. 5835 Executive Engineer's Office,

P.W.D., Bombay, 26th June 1948.

Forwarded, with compliments, to the Superintending Engineer, Bombay Circle, Bombay, for further disposal.

2. It is strongly urged that the clerks in the P.W.D. be placed on a par with those in other Departments of Government, and that their pay, service, etc. be regulated according to the Service Rules etc. applicable to all other Departments, particularly in view of the fact that their pay on confirmation has been reduced to a rate below what they would have got had they not been granted any higher pay previously.

3. However, it will have to seen that due to the higher pays given to the temporary establishment, they should not get an advantage when they are made permanent over the staff which is already on the permanent cadre from the beginning.

Sd/- 26/6

Executive Engineer, Presidency.

Accounts:
3 Applications.

Below the Executive Engineer, Presidency Division's endorsement No. 5635 dated 26th June 1948 and accompaniments.

No.G.105/6955
Public Works Department,
Bombay, 29th July 1948.

Forwarded, with compliments, to the Secretary to Government, P.W.D., Bombay, for favour of orders.

2. The practive of making a 16% cut in the pay of a temporary clerk on his promotion to the permanent establishment was first introducked in G.R., P.W.D. No. 1712/27 dated 9-5-1932. There may have been some justification then for this cut as the pay given to the temporary clerks was not regulated in the same way as of those on the permanent establishment, but there is no reason for continuing this practive now as since the last many years, the pay and increments of clerks appointed to the temporary establishment was being regulated according to the orders applicable to those on the corresponding permanent establishment. In fact their pay and intrements were regulated as if they were on the permanent establishment. No doubt during the was years owing to the difficulty of recruiting clerks on the minimum pay of the then existing scale of pay, they were gáven higher pay upto Rs.50/- p.m. but even then there was not justification for the orders issued in G.L.P.W.D. No.2648/36-E(II) dated the 3rd October 1947 to calculate their pay on the basis of their length of service in the category of the post and then affect a cut of 16% in the pay so arrived at, instead of giving that pay to them.

3. Apart from the above, thhm clerks in the P.W.D. seem to be given a step-motherly treatment; if as is stated by them, this practive of making a 16% cut in pay does not obtain in the Government offices outside the P.W.D. when temporary clerks are brought on the permanent establishment. Confirmation after a period of officiating or temporary service is a normal indident in any Government servant's or for that matter any employee's tenure of service, and such confirmation should not be construed as an unusual benefit extended to them for which they must make some sacrifice. It must be remembered that this sacrifice amount to starting again at the bottom of the scale after several years' of service. The thought that in all the other Departments permanency of service does not affect pay must

engender on the minds of these men the feeling that they are being unfairly treated.

4. In the circumstances stated above, it is strongly urged that the clerks in the Public Works Department may be placed on a par with those in the other Departments and that their pay on promotion to the permanent establishment may not be subjected to any cut so long as their pay and increments while on the temporary establishment were regulated in the same way as of the corresponding permanent establishment but when the pay and increments on the temporary establishment were not so regulated then their pay should be calculated on the basis of their length of service in their category of posts and the pay so arrived at should be given without the 16% cut.

Sd/- 9|7

Superintending Engineer, B. C.

2648/36
41384

P. W. D.

E. B. (II).

These papers contain representations from the clerks in the Presy. Dn., who have been brought on the permt. estabt. since the 1-4-47, in w hich they request Govt. that the differential treatment accorded to the clerks in this Deptt. re: the fixation of their pays whilst making them permt. should be done away with. The S.E.? B.C., has strongly recommended the request of the clerks and has strongly urged that the clerks in this Deptt. should be placed on par with those in the other Deptts. and that their pay on promotion to the permt. estabt. should not be subjected to any cut so long as their pay and increments while on the tempy. estabt. were regulated in the dame way as of the corresponding permt. estabt.

2. When tempy. men in this Deptt. are brought on the permt. estabt. their pays are reduced by 16% according to G.R.No. 1712/27, dated the 9-5-32. This 16% reduction rule was formally adopted in 1929 for the then B.S.E.S. (now S.S.E.) and was made applicable to all tempy. men appointed on the permt. estabts. in this Deptt. in 1932 vide G.R.quoted above.

3.....

3. The orders in G.R. 1712/27, dated the 9-5-32 were primarily intended for application to the P.W.D. Establt. in Sind whose scales of pay, presumably, were much higher than the scales of permt. establt. in the regular P.W.D. The tempy. men in Sind were employed generally only for the period of the construction of the Lloyd Barrage and were, therefore, given much higher salaries and the reduction fixed in their case was to bring them on to the scales prevalent in the regular, P.W.D. the men appointed to tempy. establt. in the Bombay Presy. were not drawing inflated pays but were drawing the same rates of pay as had been sanctioned for the corresponding Permt. Estabts.

4. This question of 16% cut had been thoroughly thrashed out previously in 1937-38. In file No.1712/27, VIII this Deptt. had pressed for the withdrawal of the 16% cut but as the F.D. did not agree to it the orders were retained. Pl. see the proceedings underlying G. R. No. 4051/36, dated the 10-10-41. A permt. 10% cut had been affected in the pays of all tempy. men in 1932 and thus the tempy. men brought on permt. establt. were subjected to a total of 26% cut in their pays. The F.D. only agreed to reduce the 16% cut to 6¼ and that too only in the cases of persons whose scales of pay stopped at Rs. 100 or less on promotion to the permt. establt. and whose pays whilst on the tempy. establt. were reduced by 10%.

5. The Argument brought forth in favour of the 16% cut is that the pays of tempy. men in the P.W.D. are inflated and that this 16% reduction is made in consideration of better leave terms and privilege of pension which the men receive when brought on permt, establt. The argument that the pays of men on the tempy. establt . in this Deptt. are inflated is not correct. It is true that during the war years owing to the difficulty of recruiting technl. and qualified men fixed higher starting pays were given in respect of certain categories of tempy. establt. in this Deptt but it was directed that these tempy. and workcharged men who are granted higher starting pays should not be given any increments or be promoted to the permt. establt. without the orders of Govt. Generally the pays and increments of subordinates appointed to the tempy. estabts. in this Deptt. are regulated according to the orders applicable to those on the corresponding permt. establt.

This.....

T is practice of making a 16⅔ cut in pay does not obtain in the Govt. offices outside C.W.D. Non temp. clerks are brought on the permit estabt. confirmation after a period of offg. or temp. service is a normal incident in any Govt. servant's tenure of Service and such confirmation need not be construed as an unusual benefit extended to them for which they must make a sacrifice.

6. Till 1943 a substantial part of estabt. in this Deptt. was temp. But since then nearly 75% of the total estabt. in this Deptt. has been made permt. As the position is greatly changed since the orders of 16⅔ cut were first made applicable and since the bulk of estabt. in this Deptt. is now made permt, it is for consideration whether, the question of waiving the 16⅔ cut may now be again re-opened in consultation with the F. D.

7. The pays of Govt. servants in other Deptts., on their promotion to permt. estabt, are regulated in accordance with D.C.S.R. Nos. 41 and 67 while the pays of men in this Deptt. on their promotion to permt. estabt. are regulated in accordance with C.C.H., P.W.D., No.2688/36, dated the 25-9-41. If it is decided to do away with the 16⅔ cut, the pays of men in this Deptt. will also have to be fixed in accordance with D.C.S.R. Nos. 41 and 67.

8. The question is of a general nature and, if decided favourably orders on the same cannot be made applicable only for the clerks. The whole estabt. in this Deptt. will have to be given its benefit. Before proceeding further in this case it would be better to consult the local officers in this connection. If so, the draft letter put up may issue, if approved.

Sd/-

18-8-48.

D.S.

Sec.

D.D-N(1

Sd/- 18/8

Sd/-

18/8

2648/36
41384

Letter.

No. 2648/36-E(II). Public Works Department,

Bombay Castle, 24th August 1948.

To

The S.Es. of Circles.

The Elec. Engr. to Govt.

The P.H.E. to Govt.

The Dir., D.D. Chawls.

Subject:- Revision of pays of certain tempy. persons appointed to the permt. establishments.

- - - - - - -

According to Govt. Resolution No.1712/27, dated the 9th May 1932, and subsequent orders on the subject, the pays of men in this Deptt. brought on the permt. estabt. are reduced by 16% of their tempy. pay. Govt. has under its consideration the waiving of this 16% cut on promotion to permanency. If it is finally decided to do away with the 16% cut, the pays of men in this Deptt. will have to be fixed in accordance with B.C.S.Rs. 41 and 67. Please submit your detailed report on this proposal at an early date,

2. This has also refce. to S.E., B.C's endt. No.G.105/6955, dated the 29-7-48.

By order of the Govr. of Bombay,

Sd/-
18/8/48

Sd/-
18/8

DS.

See

Sd/-
19/8

/5

No. 8249 pf-1948.

Poona 16t September 1948

To

The Secretary to Government,

Public Works Department, Bombay.

Subject:- Revision of pays of certain temporary persons appointed to the permanent establishment.

I solicit a reference to Government letter, P.W.D. No.2648/36-E(II) dated the 24th August 1948 and request to send a copy of Superintending Engineer, Bombay Circle's endorsement No.G.105/6955 dated 29th July 1948 for my information.

Sd/-

D.A.N.

Public Health Engineer to Government.

2648/36
51311

E. B. (II). P. W. D.

The P.H.E. requests to forward a copy of the S.E., B.C's endt. dated the 29-7-48, which has been addressed to this Deptt. only. It is, therefore, for consideration whether a copy of the same with accompt. may be forwarded to him.

Sd/-

Copy of endorsement only may be sent.

25/9/48

Sd/-

27/9

2648/36
51311

Letter.

P. W. D.,

No. 2648/36-E(II)

B.C., 29th Sept. 1948.

To

The P.H.E. to Govt.

Subject:- Revision of pays of certain tempy. persons appointed to the permt. estabt.

Refe: Your letter No, 8249, dated the 16-9-48.

2. A copy of S.E., B.C.'s endt. No. G.105/6955, dated the 29-7-48 (without its accompts), is forwarded herewith.

Sd/-

27/9/48

By order ect.

Sd/-

28/9/48

Letter.

No. 2648/36-E(I). Public Works Department.

Bombay Castle, 29th September 1948.

To

The Public Health Engineer to Government.

Subject:- Revision of pays of certain temporary persons appointed to the permanent establishment.

. . . . .

Reference:- Your letter No.8249, dated the 16th September 1948.

2. A copy of Superintending Engineer, Bombay Circle's endorsement No.G.105/6955, dated the 29th July 1948 (without its accompaniments), is forwarded herewith.

By order of the Governor of Bombay,

Sd/- 29/9/48

Assistant Secretary to the Government of Bombay, .
Public Works Department.

D.A. copy of the endorsement.

No.G.R.69/6970 of 1948.

Public Works Department,

Poona, 1, 7th Oct., 1948.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject: Revision of pays of certain temporary persons appointed to permanent establishment.

Reference: Government letter No. 2648/36-E(II) dated 25th August 1948.

In all these cases where the pay and the pay scale allowed to a temporary incumbent are the same as those allowed to a permanent incumbent, permanent and temporary hands of equal length of service drawing the same pay, it is manifestly unjust to make any cut in the pay of the temporary incumbent, when he is made permanent. I suppose this is the plea of the Superintending Engineer, Bombay Circle, in his representation to Government and, if so, I agree with him in toto.

2.....

2. Where, however, a temporary incumbent has drawn higher pay than he would have got for the same length of service had he been permanent, it would be in the fitness of things for his pay to be cut down to what a permanent hand of the same category would be drawing for the same length of service. This cut need not necessarily be an arbitrary like the 16⅔ one adopted by Government in recent years. It should really equal the excess pay the temporary incumbent is drawing over that of his permanent confrere of equal standing and would thus justifiably vary in each case. If no such cut is applied when a temporary person is made permanent, it may cause considerable discontent in the minds of the permanent hands and would lead to undesirable repercussions.

Sd/-
7/10

Superintending Engineer
Central Circle.

No.C.205/6313 of 1948.
Office of the Superintending Engineer,
N.C., Public Works Department.,
Ahmedabad, 6th October,48.

To

The Secretary to Government,

Public Works Department,

BOMBAY.

Subject:- Revision of pay of certain temporary persons appointed to the permanent Establishment.

Reference:- G.O.P.W.D.No.2648/36-E(II), dated 24.8.48.

2. I agree to the removal of the 16⅔ cut in case of temporary persons when they are made permanent.

3. Very often it is found necessary in the interest of Government work and office convenience to keep some persons on temporary establishment who otherwise could have officiated against vacancies on permanent establishment. On their being promoted to the permanent establishment - their pay becomes subject 16⅔ cut and thereby they lost the increments they would have earned for their past service when as persons appointed as officiating against permanent vacancies are not subject to 16⅔ cut though both may have drawn the same initial pay at the time of their appointment. The result is that the person who is appointed as officiating one by chance gets higher pay than his colleague appointed on

temporary establishment. This gives rise to an anomaly in fixation of pay and discontent mostly in case of clerical and similar kind of establishment.

4. In the past overseers surveyors, tracers, cappenters and even clerks were allowed higher starting pays as per Govt. orders laid down in G.R., P.W.D. No.6717/36, dated 17.7.48 — Even after the recent revision of pay scales higher starting pays are allowed in case of overseers, and surveyours on temporary Establishment as per G.R., P.W.D.No. 6717/36(1), dated 16.10.46. With a view to avoid injustice to permanent hands 16% cut was made applicable to such temporary persone on their promotion to permanency. However if the pays of these persons are to be regulated in the time scale of pay and the benefit of their past services are to be given to them in accordance with Rules 41 & 67 of the B.C.S.R., it will be necessary to remove the 16% cut as proposed by Government as that would avoid the anelalies between the treatment to officiating persons and also afford better treatment to temporary hands having some services to their credit.

N. C. Bulsara.

Superintending Engineer,

Northern Circle.

- - - - - - -

2648/36
55949
E. B. (II).

P. W. D.

Submitted together with Sr. No.55595.

2. Similar reports are still awaited from the marginally noted local officers. They may be expedited as per draft put up for appl.

S.Es. of Circles (except S.Es., Central & Northe Circles).

El.Engr. to Govt. P.H.E to Govt. Dir, D.D. Chai

Sd/-
13/10/48.

Sd/-
14/10/48.

No. 9684 of 1948...

Poona, 29th October 1948.

To

The Secretary to Government,
Public Works Department,
BOMBAY.

Subject:- Revision of pay scales of certain temporary persons appointed to the permanent establishment.

Reference Government Letter P.W.D.No.2648/36-E(II) dated 24th August 1948 and G.L.No. 2648/36-E (II) dated 29th September 1948.

2. The Superintedding Engineer Bombay Circle's No.C. 105/6955 dated 27th July 1948 deals exhaustively on the subject and I entirely agree with the views expressed therein. I am therefore of opinion that-

(1) No cut need be applied to persons promoted from one temporary post to a corresponding post one permanent establishment. This rule should be made applicable not only to clerks but in all cases where the sanctioned scales for both permanent and temporary posts are alike and where pays have been regulated in the sanctioned scale only.

(2) In the case of posts for which there are no scales or where the pay scales differ and also in cases where higher starting pay have been given etc. pay on promotion of permanent posts and also in cases of concersion of temporary posts into permanent posts, Rule 67 of the B.C.S.Rs. may be made applicable.

(3) The above recommendations hold good in the case of persons promoted from work charged to permanent posts in similar circumstances.

3. I may please be informed if it is the intension of promoted to permanent cadre during 1947 should be reviewed and their refixed.

Sd/-

Public Health Engineer
to Government.

Government to review the post cases.I suggest all men.

D.A.Nil

Id/-

28/10

No. G. 105/10653

Public Works Department,
Bombay, 5th November 1948.

To

The Secretary to Government,
Public Works Department,
BOMBAY.

Subject:- Revision of pays of certain temporary persons appointed to the permanent establishment.

Reference: Government letter, Public Works Department, No.2648/36-E(II), dated 24th August 1948, and subsequent reminder of even number dated 19th October 1948.

2. I have already given reasons in my endorsement No.G-105/6955, of 29th July 1948, why the practice of applying 16⅔ cut on the pays of the establishments in this Department at the time of their promotion to the permanent establishment should be done away with, and I adhere to that recommendation. This will mean that their initial pay will have to be fixed in accordance with B.C.S.Rules 41 and 67 , as proposed in the Government letter of 24th August 1948, referred to above. But in the case of those persons on the temporary establishment, who have been given higher rates of starting pays, their pays, at the time of their promotion to permanency, may be fixed on the basis of their length of service in that category of the post as recommended in the concluding paragraph 4 of my endorsement of 29th July 1948, referred to above.

Sd/- 5/11/48
Superintending Engineer, B. C.

Letter.

No.S.R. 69/6908 .... of 1948,
P.W.D.,Eastern Circle Office,
Sholapur; 10th November 1948.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Revision of pay of certain temporary persons appointed to the permanent establishment.

Reference:- Government, Public Works Department letter No. 1648/36-E(II), dated 24.8.1948.

2. I would prefer to do away with the 16% cut and to fix the pays in accordance with Bombay Civil Service Rules 41 and 67, on promotion from temporary to permanent establishment.

3. In view of the difficulties experienced in securing technical and non technical personnel Government issued orders in Government Resolution, Public Works Department No,6717/36 dated 17.7.1944 delegating powers to Superintending Engineers to make appointments of overseers clerks, tracers, computors etc. on the temporary and work-charged establishment on higher starting pays since that date i.e. for the last 4 years. The promotion of these temporary men started on higher than starting pays to permanent establishment without imposing the cut of 16% would give them double benefit of pay and consequently seniority which is determined primarily by pay.

4. In order that there may be no disadvantage to the old permanent persons who are already on the permanent establishment and who did not get the benefit of higher starting pay, I think that the pay of all temporary men on promotion to the permanent establishment hereafter be fixed according to the length of temporary service put in that cadre and pays fixed in accordance with Bombay Civil Services Rules 41 and 67.

Sd/-

Superintending Engineer,
Eastern Circle.

- - - - - -

E. B. (II). P. W. D.

Audit.

Sd/-
15/11/48

Sd/-
17/11/48

Letter.

No. 11034

Deccan Irrigation Circle,
Poona 1. 11t November 1948.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay.

Subject : Revision of pays of certain temporary persons appointed to permanent establishment.

Reference: Government Letter No. 2648/36-E(II), dated the 24.8.48.

I agree with the Superintending Engineer, Bombay Circle that 16% cut should be waived in cases where the pay and pay-scales allowed to persons on the temporary establishment are regulated according to the orders applicable to those on the corresponding permenent establishment.

2. It is however pointed out that vide to difficulty or recruiting clerks, subordinates, etc. higher starting pays were allowed in this Department which is not the case with other Departments where only personal pay to the extent of Rs.15/- in addition to the initial pay of the scale was allowed. Besides this higher pays granted have been taken as basic pays for fixation of pays in the revised scales. It would therefore be in the fitness of things that the pay of temporary persons when higher than that of a permanent hand of the same category with the same length of service should be so cut as to bring him on par with his contemporary on the permanent establishment. If this is not done it will create considerable heart-burning in the minds of old permanent hands doing the same duties.

3. The best course appears to be to calculate the pay on the basis of the minimum pay in the time scales of pay prevalent during the incumbency of the person against a particular post and allow it without any percentage cut.

Sd/-

Superintending Engineer,

Deccan Irrigation Circle.

Id/-

16/11

No.TIS/1/2603 of 1948.
Office of the Director, D.D.Chawls
T. W. D.Secretariat, Fort,
BOMBAY, 21st December 1948.

To

The Secretary to Government,

Public Works Department, Bombay.

Subject:- Revision of pays of certain temporary persons appointed to the permanent establishment.

Sir,

Reference:- Govt. letter P.W.D. No.2648/36-E(II) dated 24th August 1948 and subsequent reminder dated 19th October 1948.

2. The system of reducing pay by 16% exists only in P. W.D. and it has been a great injustice to the staff employed and brought under the control of the P. W. D. The cut being applied to the P.W.D. staff only, it amounts to differential treatment between a servant to this department and that to a servant in another department. The removal of the cut will result in redressing the genuine grievances of the staff. Moreover the reduction in pay has operated unequally on different individuals as Some members of the temporary staff were started on inflated rates of pay in the past and others were appointed in graded scales. The cut may be removed by refixing the pays of the incumbents who were granted inflated rates of pay in the past in the graded scales then existing, in order to remove the anomalous position created by the cut in pay.

Yours faithfully,
Sd/-
Director, D. D. Chawls.

Letter.

From

The Superintending Engineer,

Southern Circle.

To

The Secretary to Government,

Public Works Department,

BOMBAY.

No.G-55. Public Works Department,

Belgaum, 28th December 1948.

Subject:- Revision of pay of certain temporary persons appointed to the Permanent Establishment.

References:- G.R.(P.W.D.) No. 2648/36-E(II), dated the 10th December 1948.

The requisite report in the matter is awaited from the Executive Engineer, Belgaum Division who is being expedited. Immediately on receipt of his reply the report called for in Government Letter (P.W.D.) No. 2648/36-E(II), dated the 24th August 1948 will be submitted.

Id/- 28/12

Superintending Engineer, S. C.

Id/-

28/12

2648/36
72936

P. W. D.

E. B. (II).

The report from the S.E., S.C., may be awaited.

2. The necy. report from the S.E., K.I.C. and the El.Engr. to Govt. may also be awaited till the 15-1-49. They have been last expediated on the 15-12-48.

Ed/- Ed/-

4/1/49 6/1/49

The S.E., K.I.C. and the El. Engr. to Govt.

expidited as 15th Jan. 41.

Id/-

15/1/41.

LETTER.

No.C.35/6423..... of 1949...

P. W. D. Offices, Churchgate St., Fort, Bombay, 19th January 1949.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:- Revision of pays of certain temporary persons appointed to the permanent establishments.

Ref:- Government Letter, Public Works Department, No.2648/36-E(II) dated the 24th August '48.

There can be no two opinions regarding the abolition of 16% cut on promotion to permanency. The question of revision of pay in the case of pre-1931 entrants after restoring the 16% cut in their pay is not likely to arise, in general, as their pays have been fixed under Rule 8(2) of Government Resolution, Finance Department, No.6567/33-I dated 15-1-1948. The only persons in the Electrical Circle who are likely to be affected are post-1931 entrants and persons whose scales were not changed after the year 1931 to whom 16% cut has been applied on promotion to permanency. Their present pay will have to be refixed on 1-1-1947, after restoring the 16% cut in their pays and then their pay will have to be fixed under Rule 8(1) of the Government Resolution referred to above on 1-1-1947.

Sd/-

Electrical Engineer to Govt.

No.G.R.69.

Office of the Superintending Engr.
Special Investigation Circle,
Dharwar, 18th January, 1949.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Revision of pays of certain temporary persons appointed to the permanent Establishments.

Reference:- Government Letter (P.W.D. No. 2648/36-E(II) dated 24-8-1938.

- - - - - - -

2. The very basic principles on which Government decided to reduce the pay of temporary hands by 16% when making them permanent have to be considered in propper perspective before making further suggestions.

3. Permanent appointment against a sanctioned cadre in service carries certain definite advantages, viz:-

1. The services cannot be terminated unless Government have occasion to abolish the post (which is a very rare contingency).
2. Even if the contingency of abolishing a post arises, the incumbent is provided for in other posts.
3. Even if that cannot be done he is given a 3 months notice.

and 4. Permenent incumbent is eligible for pension, which means equivalent of 16% on pay according to normal calculations by the Accountant General.

4. As against this, a temporary hand, can be discharged with a notice of only month and unless made permanent subsequently, does not get advantage of pension and even of the leave accrued.

The above eventuality of a notice of discharge by one month, is not a mere theoritical argument. Services of several temporary hands in all services (Gazetter Officers, Technical Subordinates as well as clerks) have been terminated in the past with such notices, in large numbers. This was prattically an order of the day in Public Works Department, in the retrenchment period of years 1935-35; even in recent days too, this recurring phenomena occurred when the Superintending Engineer, Project Circle, served noiices on several hands in the year 1946 (?).

5. On the other hand, Government in certain cases, appointed temporary hands on a much higher a salary, and also gave promotions much beyond what was permissible to permanent incumbents.

Nor can it be said that those whose services were dispensed with at a notice of one month were inefficient and that those who got rapid of abnormal promotions were of outstanding merit. The whole was a chance. Best possible hands had to lose their jobs and some got reemployed after a lapse of several years, on a much lower pay (about 50% lower) to gain a livelihood.

To allow what I state to be verified, I quote below actual examples. I can easily supplement these by other examples. For out of about 40 graduates who passed in 1926-27 and employed in Minor Irrigation Works, were all retrenched in 1930-31 by one month notice, irrespective of merit, capability and record.

All examples are of B. Es. who passed-out nearly the same year and joined as temporary subordinates, nearly the same time.

S.No.	Name.	Present post.	Details about temporary service as overseer.				
			Date (of apptt.	Date of termination of service.	Date of re-employment.	Whether pay reduced if so, how much.	Remarks
1.	Mr.P. R.Joshi	Executive Engineer.	1926	February 1931.	April 1931	Nil.	1 year & 8 months as Asstt. Surveyor and 2 yrs.and 9 months as Head Surveyor.
2.	Mr. B. A. Pranjpe.	Offg. Dy. Engineer.	1927	February 1931	1935	about 50%.	Break of about 4 years. Taken up in the new reduced scale on work-charge Estt.
3.	Mr. P. B. Samrani.	Till recently Draftsman, Dist.Local Board,Dharwar.	1927	1930	Left service and has been taken up by Housing Commission as Deputy Engr., only recently.		-
4.	Mr. V. V. Agashe.	Out of Govt. service.	1927	Febr. 1930	Not reemployed.		Working as contractor.

6. To suggest now that the 16⅔ cut should be abolished in the case of all temporary hands now in service, will no doubt solve to some extent the problem of getting new hands, (and we want many), but will create still another anomaly. The treatment will be superficial, leaving the real disease un-noticed.

We will now have the anomaly (in fact it is already there) of having temporary hands drawing a pay of Rs. 200/- (B.E.) made permanent on Rs.200/- (or Rs.150/- at least), while permanent B.Es in service will still be getting pay in the permanent cadre of subordinate Service of Engineers, viz. Rs.116/- p.m.

Perhaps this anomaly may not be now seen in actual practise, as most the graduates have now been selected for posts of Deputy Engineers. But it can be seen amongst D.C.Es.

A.....

A-new D. C. E. getting Rs.130/- p.m. on temporary establishment will, according to the new proposals, be paid the same pay, viz.Rs.130/- p.m. while permanent incumbent in Subordinate Service with even 10 years of experience to his credit, will be actually drawing much less. I give the following as examples.

SUBORDINATES (TEMPORARY) D. C. Es.

Name.	Where employed	Total service in PWD.	Pay	Pay on permanent Estt. as per proposed Rule.
			Rs.	Rs.
1.Mr.N.D.Gokhale.	Minor Irrigation Dn., Poona.	Nil.	130/-	130/-
2. " B.G.Joshi.	Electric Grid.	Nil.	130/-	130/-
Compare this with permanent hands:				
1. " N.R.Kudwalli.		10 years.	90/-	

It cannot be the intention of Government to allow larger pays to temporary hands to be made permanent, leaving the permanent hands, on low salaries.

6. The proposed withdrawal of the 16% cut must, therefore, be accompanied by another order, viz.every permanent hand, already on Subordinate Service of Engineers permanent ~~kaka~~ cadre, must be given pay equal to that allowed to the new entrant plus increments due for all years of service rendered. It is only, if this is done that the anomaly will disappear. Otherwise the new proposal of withdrawing 16% cut in the case of new entrants will create heart-burning in the case of permanent hands.

To achieve this, therefore, the rule of fixing salaries as per the 3 alternatives in accordance with Government Resolution, Finance Department, No.6567/33-I dated 15-1-1948, will have to be modified to suit the above. As it is, the hands in permanent employ get no increase in pay at all and consider (and rightly so) that Government were taking advantage of their difficult situation viz. that they cannot now afford to leave service and go out, after having served for 8 for 15 years.

5. The real final solution (for future) is as under:-

(a) Permanent scales should be the bases of the pays for all grades, whether for clerks or subordinate or even Gazetted Officers.

(b).....

(b) That, where Government do not give any promise about permanency (except for inefficiency etc.) a certain increase over permanent pays must be allowed. This should not be directly included in the pay but quoted separately as "Uncertainty Allowance".

The percentage of the "Uncertainty Allowance" should depend upon the nature of uncertainty.

1. Where a promise is held out that in no case will the services be terminated but that the incumbent on temporary post will be absorbed in permanent cadre, as vacancies occur and by seniority (except by inefficiency).

entage increase
permanent
e.

If temporary service is to count towards all advantages like, leave, pension etc.

Where Government take no such binding, the following scalesis suggested:—

Period of notice for terminating service.	Percentage increase to be paid as "Uncertainty Allowance"
10 years.	16
5 "	25
3 "	33
1 year.	50
6 months.	70
1 month.	100 or more.

7. The existing rule, is that service is terminable at 1 month's notice Perhaps joining Governmenr Service temporarily on those conditions consider this more or less a "speculation".

Though this shirking of responsibility by Government not committing themselves to the period of appointment, may apparently save some money, it actually results only in retaining in service.

(a) persons of lower calibre.

or (b) persons who want to speculate and wish for the best by applying later on.

Whichever the two occurs, Government suffer in efficiency and ultimately pay much more than what they would, if they had made "period of employment" known to every temporary employee, when fixing his pay. In other words, it would be in the interest of Government to give as many as many as possible, a clear understanding that *they will be in service for 5 years in the case of a large project and thus have good hands on comparatively smaller pays by paying an "Uncertainty allowance".

*they

8. As outsiders with previous service are not given increase in starting pay, proportionate with experience, on entering Government service, this results in precluding experienced outsiders from joining Government Service.

The two put together results in inefficiency.

9. It is high time, therefore, that Public Works Department in particular* takes subordinates on contracts and fixes period of contract, so that pay is higher for small term contracts and lower for long term contracts. The same may be done even without contracts, on lines explained in para 4 above. A certain percentage of "Uncertainty Allowance" may be made recoverable, if an officer is made permanent later on.

Rule No.41 and 67 and cancellation of the 16⅔ cut can fit in, only if every employee in temporary service is given under an additional Rule, advantage of all the 4 points mentioned in para 4.

Though not leaving directly on the present case, I may record that Rule No.41 and 67 are considered unequitable and unfair in promotion from one cadre to a higher one. In such cases Rule of 20% increase in pay as by B.C.S.Rule No.71, Ins.2(iii) is the correct solution.

Sd/-

Superintending Engineer,

Special Investigation Circle.

- - - - - - - -

* It is in this Deptt. that large works which need large staff for a period of 6 to 10 years only.

Letter.

From

The Superintending Engineer,

Southern Circle.

To

The Secretary to Government,

Public Works Department,

BOMBAY.

No.G-55. Public Works Department,

Belgaum, 1st February 1949.

Subject :- Revision of pays of certain temporary persons appointed to permanent establishment.

Reference :-Government Letter (P.W.D.) No.2648/36-E(II), dated the 24th August 1948.

From a perusal of para 5 of the preamble printed in G.R. (P.W.D.) No. 1712/27, dated the 9th May 1932, it is seen that the 16% cut was intended for persons on the temporary establishment who were granted higher starting pays so that the inflated pay may not be reflected while fixing the pay on the permanent establishment.

2. According to the recent orders of Government, the concessions of granting higher pays to certain classes of establishment other than temporary overseers and surveyors are withdrawn vide G. R. (P.W.D. No.9564/36, dated the 14th December 1938.

3. With the introduction of revised pay scales with effect from the 1st January 1947, vide G.R. (F.D.) No.6567/33-I, dated the 15th January 1948, I do not think that 16% cut now in force should be continued any further, especially as it is in vogue in no other Departments except the Public Works Department.

4. So far as this Department is concerned there are some temporary subordinates, such as clerks, tracers etc., who have been granted higher pays in accordance with the previous orders. The question as to how the pay of such men should be fixed in the revised scales has already been referred to Government, vide para 4 of this office letter No. G. R. 69, dated the 20th February 1948 and Government Letter (P. W. D.) No.6919/36-E(II), dated the 16th October 1948. Early orders in the matter may kindly be issued.

Sd/-

Superintending Engineer, S.C.

Id. -

31/1

E. B. (II).

2648/36
8167

P. W. Deptt.

The practive of effecting a 16% cut in respect of tempy. establishment when brought on to the permt. establishment is in vogue in the P.W.D. only. On account of this differential treatment the subdtes. of this Deptt. had represent_ated their grievances many times. This Department also made out a comprehensive case for the removal of this 16% cut but each time the proposal was dropped for one reasin or other.

2. The question was noted upon in detail again in Aug. 1948, vide pp. 23-25 ante and it was decided to obtain the views of the local officers on this subject. Please see G.L. No.2648/36-E(II), dated the 24-8-48, & the replies thereto. All local officers have unanimously agreed that the 16% cut requires to be removed. T ere seems, however, to be a general impression that this cut was introduced on account of the inflated pays offered to the subdtes. of this Department while on tempy. establishment.

3. AAn attempt was made to go to the root of the noting leading to the 16% cut & it is noticed that this cut represents the elment of pension in a subdte's, pay. Please see (1) note at P. 5 of file No. 751/27 of M.C.G.Freke, the thhn F.A.,P.W.D. &(2) Mr. Trenches noe at P. 93 of file No, 1712/27 part I, agreed to by the then Secys., P.W.D? & Govt.

4. This pensionary benefit to a permt. Govt. Servant is not a feature peculair to the P.W.D. only, it is equally applicable to other establishments like Revenue, Forests, L.S.G., Medical, etc. etc. Since 1929, the rules applicable in respect of fixation of pay, etc. have been materially altered.

5. Before considering this proposal further, it is proposed to ascertain the practice followed in the other Departments. If this view is agreed to, the draft U.O.R. put up may issue.

Sd/- Sd/-

18/4/49 18/4/49

(Separately to each Deptt.)

2648/36
8167

E. B. (II). F. W. Deptt.

In accordance with the executive orders issued by this Department in G.R.,P.W.D., No.1712/27, dated the 9-5-32, a 16% cut is effected in the case of a tempy. subdt. before he is brought on to the permt. establishment . It has been represented by the subdtes. of this Department that this 16% cut is a feature peculiar to P.W.D. only & in no other Department any cut is effected when a tempy. subdt. is barought on to the pemt. establishment.

* R. D.,
H & L. G. D.,
H.D.,
A. & R. D. D.,
La[redacted]De_ptt.
R. & R. D.
E. & I. D.

2. The **—Department is requested to furnish the following information :

(1) The procedure followed by that Department in fixing the pay of a tempy. offg. subdt. under its Administrative Control when brought on to the permt. establishment.

(2) Whether any cut (if so the % cut may please be stated) is effected or whether the pay of subdt is fixed at the initial stage of the scale of when brought on to the permt. estbt.

(3) Whether the benefit of the proviso II (2) (i) to the B.C.S.R. 41 is given to the tempy. subdt. when brought on to the pemt. estbt.

(4) If a subdt., before being brought on to the pemt. estbt., has rendered service partly on the tempy. estbt. & partly in an of.g. capacity, how his pay is fixed on being made pemt.

3. The Deptt. is requested that the above information may please be furnished as early as possible.

Sd/-
18-4-49

Id/-
18/4/49

V. Urgent
u.o. No. 2648/36 dated the 19th Apl. 49.